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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/532,408	04/22/2005	Kaoru Masuda	270621US0PCT	9133

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EXAMINER

KORNAKOV, MICHAEL

ART UNIT	PAPER NUMBER
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1746

DATE MAILED: 09/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/532,408

Applicant(s)

MASUDA ET AL.

Examiner

Michael Kornakov

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,4 and 6-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,6-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 06/18/2006 has been entered.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1, 3, 4, 6-10 are pending in the Application and examined on the merits.

4. Claims 1, 3, 4, 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Castrucci (U.S. 6,521,466).

Castrucci discloses a method of cleaning resist residue comprising cleaning the wafer by using a defect specific residue, by introducing a supercritical fluid comprising SC carbon dioxide under the pressure of 1050 -10000 psi (reads on the pressure as claimed) and specific cosolvent that is used for specific cleaning (multiple resist strips are specifically indicated in col. 9, line 50) in the amount of 0.001-15% by mass, among the specific solvents hydrogen fluoride is named (see col.3, lines 35-65). Specifically Castrucci utilizes his recipes for removal of fluorinated residues, which are known to be the photoresist residues from fluorinated polymer made photoresists. With regard to

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claims 7 and 9, the mixture of hydrofluoric acid and isopropanol is allowed by the recipes of Castrucci (see col. 3, lines 61 and 63). See also col.8, lines 38-55, wherein the fluorinated resist residue is removed by recipes of Castrucci.

With specific regard to claims 3 and 8, the SC carbon dioxide is mixed with a co-solvent in a steam of carbon dioxide (col. 8, lines 38-40).

With specific regard to claims 4 and 9, the amount of water as claimed is believed to be inherently present, since each of the co-solvents listed by Castrucci, unless specifically dried, contains traces of water, which quantities encompass the claimed range.

The disclosure of Castrucci differs from the instant claims by not disclosing a specific embodiment that embraces all the components of the instant claims, but rather providing a generic teaching of the recipes for removing residues from substrates. However, Castrucci clearly motivates those skilled in the art to utilize recipes SPECIFIC for each particular residue, and clearly names HF among only 9 other species. As it is well known by those skilled in the art that conventionally used photoresist can be made of fluorinated polymers, and as the conventional wisdom states that "like dissolves like", then it would have been obvious to those skilled in the art to combine HF as suggested by Castrucci to remove the fluorinated resist residue and thus to arrive at the instant claims.

5. Claims 6 and 10 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Castrucci or Koch (each one individually).

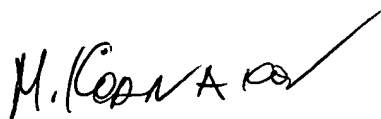
Claims 6 and 10 recite absolutely no limitations of the structure and present product-by-process claims, wherein the patentability of the product is defined by its structure or chemical make-up, but not by the process of its making, processing or cleaning. In the instant case since no limitations of the substrate is given, any substrate cleaned by any methods is readable on the instant claims. consult *In re Thorpe*, 227 USPQ 964 (CAFC 1985) . See also *In re Brown*, 173 USPQ 685 (CCPA 1972), the Court of Customs and Patent Appeals (CCPA) explicitly approved the 102/103 rejection of a product-by-process claim over a reference which showed a product which appeared to be identical or only slightly different from the claimed product. Because of the nature of product-by process claims, the Examiner cannot ordinarily focus on the precise difference between the claimed product and the disclosed product. It is then Applicants' burden to prove that an unobvious difference exists. See *In re Marosi*, 218 USPQ 289, 292-293 (CAFC 1983). See also footnote 11 O.G. Notice 1162 59-61, wherein a 35 USC 102/103 rejection is authorized in the case of product-by-process claims because the exact identity of the claimed product or the prior art product cannot be determined by the Examiner.

6. Other prior art references listed in PTOL-892 show the state of the art of cleaning substrates with SC carbon dioxide and HF.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Kornakov whose telephone number is (571) 272-1303. The examiner can normally be reached on 9:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on (571) 272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read "M. Kornakov", followed by a large, sweeping checkmark.

Michael Kornakov
Primary Examiner
Art Unit 1746

August 22, 2006